THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26110 OF 2005

Dt.7.12.2005

Between:

G.Lakshmi Kumari … Petitioner

And

The District Collector, West Godavari

District, Eluru and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies on behalf of the respondents.

The petitioner is the fair price shop dealer in respect of Shop No.81, Eluru, West Godavari District and she has been distributing essential commodities to the card holders attached to the said shop without any complaint whatsoever strictly in accordance with the conditions of the authorization and provisions of A.P.Public Distribution System Control Order, 2001. While so, the Revenue Divisional Officer, Eluru issued a show cause notice dated 25.10.2005 to as many as six dealers including the petitioner herein stating that certain fair price shop dealers have resorted to obtain computerized ration cards and coupons without possessing the signatures of the DPL in charge in connivance with the technical personnel in the DPL point. The petitioner submitted her explanation on 2.11.2005 stating that she

has nothing to do with the alleged BPL cards and coupons said to have been surrendered to the Mandal Revenue Officer, Eluru and she never violated the conditions of authorization and she has been strictly following the guidelines and instructions issued by the Government from time to time and without their being any irregularities committed by the petitioner the said show cause notice was issued without any justification whatsoever. It is stated that the petitioner never surrendered any cards or coupons as alleged in the show cause notice and requested to drop all further proceedings pursuant to the show cause notice dated 25.10.2005. Without considering the said explanation in proper perspective, the Revenue Divisional Officer cancelled the authorization of the petitioner by order dated 21.11.2005 stating that though the allegations are not proved, there is *mens rea* in the mind of the fair price shop dealer to commit irregularity for pecuniary gain. The authorization of the petitioner has been cancelled only on apprehension that she was having dishonest intention. However, as against the said order of cancellation, the petitioner has filed an appeal before the Joint Collector, West Godavari District, Eluru on 25.11.2005 along with stay application. It is stated that the Joint Collector has not passed any orders on the stay application.

Having regard to the facts and circumstances of the case, the impugned order, prima facie, does not show any serious irregularities or violation of the conditions of authorization. I am of the opinion that it is just and proper to grant stay of operation of the said cancellation order pending disposal of the appeal before the 2nd respondent. Accordingly, the 2nd respondent is directed to dispose of the appeal after giving reasonable opportunity to the petitioner in accordance with law. Till the disposal of the appeal, the operation of cancellation of authorization of the petitioner shall stand stayed and the respondents are directed to permit the petitioner to distribute essential commodities to the card holders attached to her shop.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

7.12.2005

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